
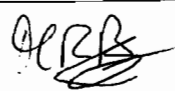


Sent to UNMIK 27/03/2006

<b>NATIONS UNIES</b>				<b>UNITED NATIONS</b>		For Cable Officer Only
<b>OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS</b>						
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Priority  IMMEDIATE	To:  Mr. Søren Jessen-Petersen Special Representative of the Secretary-General United Nations Interim Administration Mission in Kosovo (UNMIK) Kosovo Fax. 001 212 963 81 13					Seq. No.
File No.  UA G/SO 214 (42-3) G/SO 214 (26-14) KSV 1/2006						
Serial No.						Routing Code

Text:

(4 PAGES ATTACHED)

ENCLOSED HERewith AN URGENT APPEAL SENT BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL ON THE HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS, THE INDEPENDENT EXPERT ON MINORITY ISSUES, THE SPECIAL RAPPORTEUR ON ADEQUATE HOUSING AS A COMPONENT OF THE RIGHT TO AN ADEQUATE STANDARD OF LIVING, THE SPECIAL RAPPORTEUR ON THE ADVERSE EFFECTS OF THE ILLICIT MOVEMENT AND DUMPING OF TOXIC AND DANGEROUS PRODUCTS AND WASTES ON THE ENJOYMENT ON HUMAN RIGHTS AND THE SPECIAL RAPPORTEUR ON THE RIGHT OF EVERYONE TO THE ENJOYMENT OF THE HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
UNITED NATIONS, GENEVA

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HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS

PROCEDURES SPECIALES DE LA COMMISSION  
DES DROITS DE L'HOMME

SPECIAL PROCEDURES OF THE COMMISSION ON  
HUMAN RIGHTS

**Mandates of the Representative of the Secretary-General on the human rights of internally displaced persons, the Independent Expert on minority issues, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment on human rights and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health established by the Commission on Human Rights**

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REFERENCE: UA G/SO 214 (42-3) G/SO 214 (26-14)  
KSV 1/2006

27 March 2006

Dear Mr. Jessen-Petersen,

We have the honour to once again address you in our capacities as Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health ('the right to health'), Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment on human rights ('toxic wastes'), Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Independent Expert on minority issues pursuant to Commission on Human Rights resolutions 2005/24, 2005/15, 2004/21 and 2005/79 respectively, as well as the representative of the Secretary General on the human rights of internally displaced persons, pursuant to Commission on Human Rights resolutions 2004/55 and 2005/46.

Firstly, we would like to express our appreciation of the readiness of UNMIK to engage in an open dialogue regarding our concerns about the situation of the internally displaced persons belonging to the Roma, Ashkali and Egyptian minority groups affected by severe lead contamination in the Žitkovac/Zhitkovc, Cesmin Lug/Çesmin Llugë and Kablare/Kablar camps located near Mitrovica, northern Kosovo. We refer specifically to our communication dated 13 October 2005 of four of our number and your reply dated 21 October 2005.

In our letter dated 13 October 2005 we made reference to UNMIK's plans to relocate the IDPs to the French KFOR camp Osterode in December 2005 and noted that donor money was being sought to effectuate the relocation. We welcomed your assurances that the new temporary relocation site had been approved and that relocation was in fact foreseen by mid-December 2005. We also noted with appreciation that an important financial contribution was given by the Government of Sweden in the beginning of December to enable relocation to take place. We have subsequently heard, and welcome the fact, that other donors have also responded to your appeals.

Mr. Søren Jessen-Petersen  
Special Representative of the Secretary-General  
United Nations Interim Administration Mission in Kosovo (UNMIK)  
Kosovo

We welcome the efforts made by UNMIK to resolve this long lasting problem. We appreciated your advice by letter of 21 October 2005 that a communication plan had been developed to inform the affected communities as well as other involved actors about the relocation plans and to solicit cooperation. To this end, we also welcomed the joint press release of UNMIK, WHO and UNICEF of 9 February 2006 detailing the improvements of the new site and calling on local authorities and community leaders to take immediate measures of relocation.

However, while being aware of the complexity of the situation, including the widespread contamination to varying degrees of the Mitrovica region as a whole and the prevailing security concerns, we have been advised that despite the availability of Camp Osterode a solution appears to remain some way off. In this context we welcome recent information according to which more than 80 persons from the Cesmin Lug/Çesmin Llugë and Kablare/Kablars camps have now voluntarily relocated to Camp Osterode. We nevertheless understand that four major reasons for ongoing reluctance on part of the overall group of affected persons to relocate appear to be (i) doubt amongst affected persons as to whether the new facilities are in fact substantially safer; (ii) concerns that affected persons do not have confidence that relocation to Camp Osterode would be a temporary measure pending provision of longer-term durable resettlement options; (iii) concerns as to how basic income can be procured; (iv) alleged threats to the physical safety and integrity of the affected persons. Several of these issues appear to have been caused or exacerbated by a lack of trust on the part of affected persons. This lack of trust appears to result from delays in initiating genuine consultations with the affected persons.

According to information received, the already precarious situation in the Žitkovac/Zhitkove, Cesmin Lug/Çesmin Llugë and Kablare/Kablars camps have further worsened as a result of heavy rains between 23 and 24 February 2006 which caused flooding in the concerned camps, with the Kablare/Kablars camp being most seriously affected. We also understand that new precipitation is creating a further risk of flooding.

We share UNMIK's goal of bringing about, as a matter of urgency, the temporary relocation of the remaining affected persons, without undermining efforts to provide long-term, durable solutions. In order to facilitate this process given the current situation, we would ask for further information and clarification from UNMIK as to the measures it has taken to address the four major reasons for reluctance on the part of the affected persons to relocate. We would be grateful for your advice as to what proactive steps have been taken since 9 February 2006 to inform, consult and build the trust of the affected people regarding the need for the temporary move, and what the responses and results have been.

We welcome the statement in the 9 February 2006 press release that relocation would be "a temporary measure, a stepping stone to the permanent return of the IDPs to their homes ... [with] work on reconstruction of the Roma Mahala [to] be vigorously pursued". We would however ask for a clearer indication as to what efforts are being taken in this respect, the timelines involved, and what measures are being taken to ensure adherence to these plans. In recognising the importance of reconstruction of the Roma Mahala as part of the long-term solution, we enquire as to the status of this work and when it will be completed. We enquire further whether UNMIK has shared detailed plans and timelines with affected communities, and whether these have been or are being developed in a participatory process.

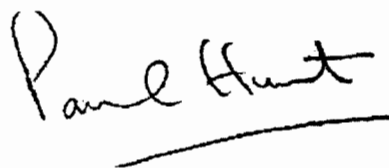
While further welcoming the statement in the press release that "[a]ppropriate security arrangements will be made in consultation with IDPs", we ask for clarification of the steps taken to respond to the reported threats against persons belonging to the minorities in question. We further enquire as to the

measures UNMIK has taken in order to provide emergency health assistance and treatment to the affected persons who continue to be at high risk.

We request this information most urgently for the purpose of understanding how and within which timeframe UNMIK foresees the exhaustion of efforts seeking to achieve voluntary relocation of the remaining affected persons. We urgently request details of the UNMIK contingency plans developed in this respect, should relocation against the will of certain persons become necessary. In this regard, it may be useful that such plans differentiate in priority between affected persons of particular vulnerability, such as children whose rights are at particular risk of irreparable damage and their immediate family, and less affected persons, notably adults expressing a fully informed wish to remain in their current area of residence. We would also ask for your confirmation as to whether, in your view, sufficient legal basis exists for relocation against the will of the affected persons. It goes without saying that the actual execution of such measures must also be consistent with the human rights of the affected persons, specifically that they be carried out in a respectful and dignified fashion. In our capacities as human rights experts of the United Nations we stand ready to provide advice and support to the extent possible and as you deem appropriate, with regard to all of these matters.

We renew our gratefulness for your efforts to find an urgent solution to this issue and ask that we be kept informed on any further developments. Aware of other correspondence within the UN system on these matters, we copy this letter for the information of others also occupied with the above issues.

Please accept, Mr. Jessen-Petersen, the assurances of our highest consideration.



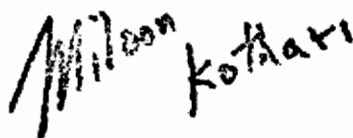
Paul Hunt

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health



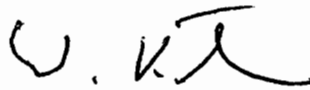
Okechukwu Ibeanu

Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment on human rights



Miloon Kothari

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living



Walter Kälin  
Representative of the Secretary-General on human rights of internally displaced persons



Gay McDougall  
Independent Expert on minority issues

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Office of the United Nations High Commissioner for Human Rights  
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